

REMARKS

In the Office Action¹, the Examiner took the following actions:

rejected claims 1, 2, 4-8, 10-16, 18-25, 27-28, and 30-34 under 35 U.S.C. § 101;

rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Johnson et al., U.S. Patent Number 5,615,408 ("*Johnson*");

rejected claims 6-10, 12-15, 27, and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of O'Mara et al. U.S. Patent Number 7,620,592 ("*O'Mara*");

rejected claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Pillay et al., U.S. Patent Publication No. 2002/0042763 A1 ("*Pillay*");

rejected claims 5 and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* and *O'Mara* in view of Natsuno, U.S. Patent Number 7,231,202 ("*Natsuno*"); and

rejected claims 16, 18-25, and 33-34 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* and *O'Mara* in view of Mills et al., U.S. Patent Number 7,024,386 ("*Mills*").

By the present amendment, Applicants amends claims 1, 6-7, 12, 16, 18-23, 27-28, and 30-34. Claims 1, 2, 4-8, 10-16, 18-25, 27-28, and 30-34 are now pending in this application.

Rejections Under 35 U.S.C. § 101

Applicants respectfully traverse the rejection of claims 1, 2, 4-8, 10-16, 18-25, 27-28, and 30-34 under 35 U.S.C. § 101. However, to expedite prosecution, Applicants have amended independent claim 1 to recite a "computer system" comprising a plurality of "components." Claims 6,12,16,19, and 28 have been amended to recite "a computer-

¹ The Office Action may contain statements reflecting characterization of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

implemented method" comprising a plurality of steps "performed by a computer."

Claims 30 and 33 have been amended to recite a "computer-readable medium storing instructions which, when executed by a processor, perform a method" comprising a plurality of steps. Independent claims 1, 6, 12, 16, 19, 28, 30, and 33 are now clearly drawn to statutory subject matter. Accordingly, dependent claims 2, 4-5, 7-8, 10-11, 13-15, 18, 20-27, 31-32, and 34 also recite statutory subject matter. Thus, Applicants respectfully request that the rejection of claims 1, 2, 4-8, 10-16, 18-25, 27-28, and 30-34 under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 102 (b), as being anticipated by *Johnson*. Applicants respectfully traverse.

In order to properly establish that *Johnson* anticipates Applicants' claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inerrancy, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *Johnson* does not anticipate the claims because it fails to teach or even suggest each and every element of the claims.

Claim 1 recites, among other elements, "generat[ing] internal credit scoring and internal credit limits." (emphasis added). The Office Action alleged that *Johnson* teaches these elements. See Office Action, pp. 4-5. However, the Examiner also

antithetically states that "*Johnson does not specifically disclose* analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data to generate internal scoring and internal credit limits. What Johnson does disclose is using external score [ar] to create [ar] internal limit." Office Action, p. 7. See also Office Action, p. 9. This is not actually correct. Johnson teaches that "[c]redit information in the form of 'credit scores' is available from a variety of providers [A]fter a credit score is obtained, it is stored in a credit scores database [T]he credit risk manager periodically obtains updated credit scores from a credit bureau for each subscriber and determines whether the risk associated with each subscriber has changed. If the risk has changed, the credit risk manager may adjust the credit limit being provided to the subscriber accordingly. . . ."

Johnson 8:50-9:13. Therefore, *Johnson* fails to disclose at least "generat[ing] internal credit scoring and internal credit limits," as recited in claim 1. (emphasis added).

Accordingly, claim 1 as amended is allowable at least because *Johnson* does not disclose, or even suggest, each and every element of claim 1. Applicants respectfully request that the rejection of claim 1 be withdrawn.

Dependent claims 2 and 4 are allowable for at least the reason that they depend from allowable claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 102(b).

Rejections Under 35 U.S.C. § 103(a)

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections

on obviousness cannot be sustained with mere conclusory statements.” M.P.E.P.

§ 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. §2143.01(III). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Claims 6-10, 12-15, 27, and 30-32

Claims 6-10, 12-15, 27, and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *O'Mara*. Applicants respectfully traverse the rejection. No *prima facie* case of obviousness has been established.

As amended, independent claim 6 calls for a combination including, for example, “generating . . . internal credit scoring and internal credit limits.” (emphasis added).

Neither *Johnson* nor *O'Mara*, whether taken separately or in any proper combination, discloses or suggests at least these elements of claim 6.

As acknowledged by the Examiner, "*Johnson* does not explicitly disclose . . . automatically updating credit data to generate internal scoring and internal credit limits." Office Action p. 7. *O'Mara* does not remedy the deficiencies of *Johnson*. The Examiner cites *O'Mara* as teaching "credit/risk scoring [of] merchants that makes use of both external scoring and internal scoring methods." Office Action, p. 7. However, this is not correct.

O'Mara does not teach at least "generating . . . internal credit scoring and internal credit limits." (emphasis added). Rather, *O'Mara* teaches identifying risk to "[t]ransaction processors [who] provide merchants with data processing services to facilitate the flow of credit card transactions data and corresponding payments of monies between merchants and card issuers." *O'Mara* 1:22-25. "Chargebacks results in a loss to the transaction processor when the merchant cannot fund [the] chargeback. Thus, in an effort to mitigate risk of loss, the transaction processor may monitor merchant processing trends. . . ." *O'Mara* 3:30-34. Accordingly, *O'Mara* fails to teach at least "calculating an internal credit score and internal credit limits of said customer." (emphasis added).

In view of the mischaracterization of the prior art set forth above, the Examiner has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no

reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 6 under 35 U.S.C. § 103 as being obvious from *Johnson* in view of *O'Mara* is thus improper and should be withdrawn.

Independent claim 12, although differing in its scope from claim 6, recites elements similar to those discussed above in relation to claim 6. Thus, for at least for the above reasons, claim 12 is allowable over the cited references. Applicants respectfully request the Examiner to withdraw the rejection of claim 12 under 35 U.S.C. § 103.

In its rejection of claims 7-10 and 13-15 the Office Action similarly relied on *Johnson* and *O'Mara*. A *prima facie* case of obviousness has not been established.

Claims 7-10, and 13-15, each depend from one of claims 6 and 12 and thus include all elements thereof. As set forth above, neither *Johnson* nor *O'Mara* teaches or suggests at least "generating . . . internal credit scoring and internal credit limits," as recited in claims 6 and 12 and included in claims 7-10 and 13-15.

Therefore, the Office has neither properly determined the scope and content of the prior art, nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of ordinary skill in the art would find the claimed combination obvious in view of the prior art. For at least these reasons, no *prima facie* case of obviousness has been established. The rejection of

dependent claims 7-10 and 13-15 under 35 U.S.C. § 103 as being obvious from *Johnson* in view of *O'Mara* is thus improper and should be withdrawn.

Rejection of claims 28 and 29 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 28 under 35 U.S.C. § 103 as being obvious over *Pillay*. A *prima facie* case of obviousness has not been established.

Claim 28, as amended, calls for a combination including, for example, "taking . . . a predetermined percentage of [a] first plurality of customer records reported by the accounts receivable system, [and] a predetermined percentage of [a] second plurality of customer records reported by the billing system." (emphasis added). *Pillay* fails to teach or suggest at least this element as recited in amended claim 28.

The Examiner alleges that "[i]t would have been obvious to limit the report generation to utilizing predetermined percentages of available information for the purpose of allowing forgiveness on past adverse credit events." Office Action, p. 12. Even assuming that this allegation is correct, which Applicants do not concede, *Pillay* still fails to teach at least "taking a predetermined percentage of [a] first plurality of customer records reported by the accounts receivable system, [and] a predetermined percentage of [a] second plurality of customer records reported by the billing system" as recited in amended claim 28.

In view of the mischaracterization of the prior art set forth above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Moreover,

the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed the combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established, and claim 28 is allowable. The rejection of claim 28 under 35 U.S.C. § 103 as being obvious from *Pillay* is thus improper and should be withdrawn.

Claim 29 depends from allowable claim. Claim 29 is therefore allowable for at least the reasons set forth above with respect to claim 28. The rejection of dependent claim 29 under 35 U.S.C. § 103 as being obvious from *Pillay* is thus improper and should be withdrawn.

Rejection of claims 5 and 11 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of dependent claims 5 and 11 under 35 U.S.C. § 103 as being obvious from *Johnson* and *O'Mara* in view of *Natsuno*. A *prima facie* case of obviousness has not been established.

Claims 5 and 11 depend from claims 1 and 6 respectively, and thus include all elements thereof. As set forth above, neither *Johnson* nor *O'Mara* teach or suggest at least "generat[ing] internal credit scoring and internal credit limits," as recited in claims 1 and 6 and included in claims 5 and 11.

The Office asserted that *Natsuno* teaches "customer information comprising customer profession and age information." Office Action, p. 13. Even if this assertion were correct, which Applicants do not concede, *Natsuno* still fails to teach or suggest

the above-quoted elements recited in claims 1 and 6, and included in dependant claims 5 and 11. Thus, *Natsuno* does not compensate for the deficiencies of *Johnson* and *O'Mara*.

Therefore, the Office has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of dependent claims 5 and 11 under 35 U.S.C. § 103 as being obvious from *Johnson* and *O'Mara* in view of *Natsuno* is thus improper and should be withdrawn.

Rejection of claims 16, 18-25, and 33-34 under 35 U.S.C. 103 § (a)

Applicants respectfully traverse the rejection of claim 16 under 35 U.S.C. § 103 as being obvious from *Johnson* and *O'Mara* in view of *Mills*. A *prima facie* case of obviousness has not been established.

As amended, claim 16 calls for a combination including, for example, "updating . . . internal credit scoring and internal credit limit for said customer." (emphasis added). As established above, neither *Johnson* nor *O'Mara* teaches at least "updating . . . internal credit scoring and internal credit limit for said customer." (emphasis added).

The Office asserted that *Mills* teaches "credit limits based on new trades." Office Action, p. 15. Even if this assertion were correct, which Applicants do not concede, *Mills* still fails to teach or suggest at least "updating . . . internal credit scoring and internal credit limit for said customer," as recited in claim 16. (emphasis added). Thus, *Mills* does not compensate for the deficiencies of *Johnson* and *O'Mara*.

Therefore, the Office has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 16 under 35 U.S.C. § 103 as being obvious from *Johnson* and *O'Mara* in view of *Mills* is thus improper and should be withdrawn.

Independent claims 19, 30, and 33, although differing in its scope from claim 16, recite features similar to those discussed above in relation to claim 16. Therefore, claims 19, 30, and 33, are allowable over the cited references for at least the reasons set forth above with respect to claim 16.

Claims 18, 22-25, 31-32, and 34, each depend from one of allowable claims 16, 19, 30, and 33. Claims 18, 22-25, 31-32, and 34, are thus allowable for at least the reasons set forth with respect to claims 16, 19, 30, and 33. The rejection of claims 18, 22-25, 31-32, and 34, under 35 U.S.C. § 103 as being obvious from *Johnson* and *O'Mara* in view of *Mills* is thus improper and should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.


Respectfully submitted,

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